WP(C) 1710/2007

BEFORE

THE HON'BLE MR JUSTICE B.K. SHARMA

I have heard Mr. M.K. Choudhury, learned Sr. Counsel, assisted by Mr. C. Goswami, learned counsel for the petitioner as well as Mr. A.K. Goswami, learned Sr. Counsel, assisted by Ms. B. Bora, learned counsel for the KAAC. I have also heard Ms. R. Chakraborty, learned State Counsel for the State respondents. Considering the submissions made by the learned counsel for the parties and also the nature of the order I proposed to pass, no notice need be issued to the respondent No. 4.

The petitioner, who is presently serving as Assistant Engineer under the respondent No. 2 is aggrieved by the order dated 3.4.2007 (Annexure-D), by which he has been transferred to Diphu and in his place the respondent No. 5 has been posted. Various grounds have been urged towards assailing the impugned order of transfer. According to the petitioner, his services are indispensable in the present place of posting and that he having not completed the normal tenure of 3 years ought not to have been picked up for transfer. It is also the case of the petitioner that, it is difficult for him to carry out the transfer order because of various domestic problems.

It appears that the petitioner apprehending transfer had submitted Annexure-F representation dated 20.8.2006 followed by further representation dated 7.4.2007 after passing of the impugned order of transfer. Mr. Choudhury, learned Sr. Counsel for the petitioner has produced the copy of the letter dated 7.4.2007 by which the Director of Handloom & Textile has requested the Secretary to the Government of Assam of the Department to review the order of transfer.

Pursuant to the aforesaid representation and the letter of the Director, the Secretary to the Government of Assam in the Handloom, Textile and Sericulture Department vide WT Message dated 10.4.2007 has directed the Joint Director to ask the respondent No. 5 not to handover the charge.

In view of the above, and as agreed to by the learned counsel for the parties, I dispose of the writ petition providing that the respondents shall dispose of the aforesaid representations submitted by the petitioner taking into account all relevant factors. While examining the case of the petitioner, the official respondents shall also associate with the respondent No. 5 and his case shall also be considered.

After considering the case of the incumbents in the above manner, appropriate order shall be passed as expeditiously as possible, but at any rate not later than 30.4.2007. Till then, status quo as on today shall be maintained.

Writ petition is disposed of.